III. REMARKS

In the Office Action, claims 1-3 and 5-10 were rejected under 35 U.S.C. 103 as being unpatentable over Baum (US 7103583) in view of Sansone (US 5008827), and claim 4 was rejected under 35 U.S.C. 103 as being unpatentable over Baum in view of Sansone and Bass (US 6041319) for reasons set forth in the Action.

With respect to the rejections under 35 U.S.C. 103, the following argument is presented to distinguish the claimed subject matter from the teachings of the cited art, thereby to overcome the rejections and to show the presence of allowable subject matter in the claims.

The examiner cites passages in Baum at col. 7 at lines 36-61, and at col. 6 at lines 14-17. With respect to the citation in col. 7 of the paragraph extending from line 36 to line 61, this paragraph and the following paragraph make clear that there is a checking of data before transmission of new data from a server to a distant postage meter.

However, with respect to the teachings of the present specification, it is noted on page 2, at lines 20-23, that in the practice of the present invention, there is a comparison of the new postal data with the present (former) postal data. Furthermore, there is emission of an alert message to the operator of the franking system (such as a postage meter) in the situation wherein a change has been found in the compared data. This is noted also in block 30 of present Fig. 2 wherein the question is raised as to whether there has been a change in the data. If no change is noted, then at block 24, the operator can use the existing data currently stored in the memory. On the other hand, if there is a change in the data, then the operator is alerted at block 32, and a procedure can be implemented at block 34 for updating data by transfer of the postal data at block36. This procedure is explained also in the specification on page 6 in the paragraph at lines 11-23, and in its following paragraph.

To emphasize this distinction further, it is noted Baum discloses a first table of postal tariffs stored in the service device (the franking machine of the invention) and a second table of postal tariffs for updating the previous tariffs according to a date of application.

However, in contradistinction to the subject matter of the present claims, Baum teaches (col. 9 at lines 4-8) that the first table is automatically updated by the second table without any action from the operator (col. 16 at lines 22-52), when the current date is equal to or exceeds the conversion date. Furthermore, in Baum, the comparison relates only to the application date, and not, as in the presently claimed subject matter, to the postal tariffs.

In the practice of the present invention, the second table does not automatically replace the first table at the conversion date, but only if the operator decides to direct such replacement of the tabulated data upon noting a change in the postal data. With the present invention, when the conversion date corresponds with the current date, there is an alert to the operator, enabling him to decide whether or not to replace the second table with the first table, depending on the change in the postal data. This alert is not a part of the Baum system because, in Baum, the operator has no choice in view of the automatic replacement of the table at the conversion date.

The foregoing inventive feature is emphasized by amendment of claim 5 to state specifically the step of "comparing" the postal data, and the step of "emitting" the message. The inventive feature is further emphasized by the presentation of two new claims 11-12 dependent respectively from the independent claims 1 and 5. This feature is not discussed in the above-noted passage from Baum. Nor is this feature taught or suggested by a combination of the teachings of Sansone and Bass with Baum.

The examiner cites a passage in Baum (col. 8 at lines 53-62) which deals with the programming of a processor to provide converted data, for postage, on a specific date, along with instructions for accomplishing a proper conversion of the postage rates. The examiner refers to an alarm condition in Sansone (page 3 at line 12). With respect to

the passage in Sansone (col. 8 at lines 54-67) cited in the matter of the alarm message, Sansone deals with the sorting and handling of mail at major distribution centers, and provides a means for checking if the postage and other regulations are being met, and raises an alarm condition (line 65) if an anomaly is detected. In the alarm condition, the alarm sounds when an anomaly appears in the communication between the device and the server. Clearly, the cited teaching of Baum with the cited teaching of Sansone does not suggest the above-noted inventive feature, so that there would be no motivation to combine the references.

The foregoing argument applies to both of the independent claims, as well as to their respective dependent claims, so as to distinguish these claims from the teachings of the cited art, and to show the presence of allowable subject matter in the claims.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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